Recommendation 741 (1974)[1]

Legal position of women

Parliamentary Assembly

The Assembly,

1. Considering that Resolution 3010 (XXVII) of the General Assembly of the United Nations proclaimed 1975 "International Women's Year" ;

2. Recalling its Recommendation 504 (1967) on the political, social and civic position of women in Europe ;

3. Welcoming the existence, in domestic and international law, of rules prohibiting discrimination on the basis of sex, in particular Article 14 of the European Convention on Human Rights ;

4. Noting, however, that discrimination based on sex still subsists in certain aspects of our societies, and that, while it is often based on psychological, social and economic factors, it is also sanctioned by many legal provisions ;

5. Considering that questions relative to the implementation of the principle of non-discrimination in such fields as the nationality of married women and of children of mixed marriages, family law, social security for non-gainfully employed women and labour law must be solved at European level ;

6. Welcoming the numerous initiatives and projects for reform which have been undertaken in these fields by the Council of Europe and its member states, and by the European Communities ;

7. Noting with satisfaction that the theme selected for the 14th Conference of European Ministers responsible for Family Affairs to be held in 1975, is "The equality of man and woman ; its implications for family life and governmental action" ;

8. Stressing at the same time the importance it attaches to having these various projects and initiatives implemented with maximum efficiency and coordination ;

9. Recalling, in respect of the nationality of married women and of children of mixed marriages, the solutions advocated in Recommendations 519 (1968), on the nationality of married women, and 696 (1973), on certain aspects of the acquisition of nationality ;

10. Considering, in respect of parental law, that both parents must have equal rights and obligations towards their under-age children, and that they must exercise these rights and perform their obligations jointly and exclusively in the interests of the child ;

11. Recalling, with regard to social security for non-gainfully-employed women, that work in the home must be considered as an economic activity giving immediate entitlement to social security benefits ;

12. Considering that much has still to be done to implement the principle of equal pay for men and women, not only for equal work but also for work of equal value

13. Recalling also that the provisions intended to protect the special needs of women or abolish discrimination relative thereto must not result in discrimination against men,

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1. Assembly debate on 30 September 1974 (15th Sitting) (see Doc. 3477, report of the Legal Affairs Committee). Text adopted by the Assembly on 30 September 1974 (15th Sitting).

14. Recommends that the Committee of Ministers of the Council of Europe :

invite the member states which have not yet done so to sign and ratify the international conventions containing provisions prohibiting discrimination based on sex, in particular :

the 1957 United Nations Convention on the Nationality of Married Women, and

the European Social Charter ;

pursue with determination the various activities relative to the position of women which are included in the Work Programme 1973-74 and in the draft Work Programme 1975-76, and see to it that the aim is achieved with efficacity and coordination ;

see to it that the various legislative reforms planned in the member states are based on common principles and lead to substantial harmonisation of legislation ;

bear the principle of non-discrimination in mind when asked to adopt the draft recommendation on social security for non-gainfully-employed women, which is now being prepared by the Committee of Experts on Social Security ;

study, when the time comes, the possibility of extending to all member states of the Council of Europe the provisions of the Community directive now being drafted on harmonisation of the legislations of the member states on application of the principle of equality of remuneration for men and women workers.